



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Lon Alsop
Executive Secretary-Director
State Commission for the Blind
Land Office Building
Austin, Texas

Dear Sir:

Opinion No. 0-6735

Re: Authority of the State
Commission for the Blind
to supplement from other
funds certain salaries
as provided in Senate
Bill No. 317, 49th Legis-
lature.

In your letter of July 24, 1945, you have request-
ed an opinion from this office relative to supplementing
from Federal funds the salaries of certain employees as pro-
vided in the above cited Appropriations Bill. The pertinent
paragraphs of your letter are quoted:

"During the early part of 1945, Members of
the House Appropriations Committee and Members
of the Senate Finance Committee requested this
agency to submit a budget reducing its request
for funds for the next biennium. The State Com-
mission for the Blind complied with this request
and submitted a new budget with certain reduc-
tions.

"Item No. 5 on our requested budget reads
'Supervisor of Vending Stands (was Placement
Agent) to receive annual salary of \$1,800, \$900
to be paid from State funds and \$900 to be paid
from Federal funds.' When the appropriation for
this department was finally passed, Item 5 reads
as follows, 'Vending Stand Supervisor \$900.'

". . . .

Honorable Lou Alsup, page 2

"Item 25 under the appropriation a s made to the State Commission for the Blind by the Regular Session of the 49th Legislature provides for a part-time porter. The Federal Government will provide a like amount for porter services.

"Please advise if the State Commission for the Blind is authorized to supplement from other funds the salary of Vending Stand Supervisor as provided for in Senate Bill 317 of the Regular Session of the 49th Legislature, and also, advise as to whether or not the State Commission for the Blind may supplement the salary of a porter as provided for the Commission in Senate Bill 317 and passed by the Regular Session of the 49th Legislature.

". . . ."

In the appropriations made for the State Commission for the Blind there is included provision for the annual salaries of (1) a supervisor of vending machines in the amount of \$900 (see item 4) and (2) a part-time porter in the amount of \$450 (see item 19a).

Generally, the appropriations provided in this bill are the maximum sums which may be expended; for the purposes designated but the State Commission for the Blind is specifically excepted from this restriction (see Section 2, subsection 14 (b), Senate Bill 317, 49th Legislature, 1945), and the Commission may therefore supplement the sums appropriated if such is otherwise authorized by or not in conflict with any related statutes.

In the Act creating the State Commission for the Blind, which provides for its organization and functions, authority is given to "appoint and fix the compensation of an executive secretary and such other workers as may be necessary to make effective the purposes of this Act within the appropriations provided." (Sec. 3, Art. 3207a, V.A.C.S.)

The application for and acceptance of funds from the United States Government is authorized and such funds are appropriated "to the specific purposes authorized by

Honorable Lon Alsop, page 3

the grantor." (Section 2, subsection 9, Senate Bill 317, 49th Legislature, 1945.)

It follows, therefore, that the supplementing of the salaries in question would be "within the appropriations provided" if their use for that purpose is authorized by the grantor or the United States Government.

It appears that funds are advanced by the Federal Government to states who have an approved plan for aid to the blind and that the purposes for which such funds are advanced are those enumerated in the report to the Federal Government filed by the state (See Title 42, U.S.C.A., Section 1201, 1202, 1203).

It is presumed from the above quoted letter that annual salaries for (1) a vending machine supervisor and (2) a part-time porter were included in the Commission's reports to the Federal authorities and that such reports and the items therein have been properly approved. If this is correct, it follows that the amounts so included and approved come within "the specific purpose authorized by the grantor" and their payment to the named employees would be "within the appropriations provided."

Accordingly, you are advised that it is the opinion of this department that the State Commission for the Blind is authorized to supplement from funds received from the United States Government the salaries of (1) the vending machine supervisor and (2) a part-time porter, to the extent approved by the Federal authorities.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Jackson Littleton
Assistant

JL:db

